

UNPUBLISHED

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 09-1586

EDDIE CHERIS,

Plaintiff - Appellant,

v.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY,

Defendant - Appellee.

Appeal from the United States District Court for the Eastern
District of Virginia, at Alexandria. Leonie M. Brinkema,
District Judge. (1:08-cv-01108-LMB-IDD)

Submitted: October 29, 2009

Decided: November 9, 2009

Before NIEMEYER and GREGORY, Circuit Judges, and HAMILTON,
Senior Circuit Judge.

Affirmed by unpublished per curiam opinion.

Eddie Cheris, Appellant Pro Se. Nicholas Stephen Nunzio, Jr.,
Assistant General Counsel, WASHINGTON METROPOLITAN AREA TRANSIT
AUTHORITY, Washington, D.C., for Appellee.

Unpublished opinions are not binding precedent in this circuit.

PER CURIAM:

Eddie Cheris appeals the district court's order granting summary judgment for the Appellee on Cheris' claims of negligence. The record does not contain a transcript of the April 24, 2009 hearing on the Appellee's motion for summary judgment. Cheris has not obtained a transcript or moved for a transcript at government expense. An appellant has the burden of including in the record on appeal a transcript of all parts of the proceedings material to the issues raised on appeal. See Fed. R. App. P. 10(b); 4th Cir. R. 10(c). An appellant proceeding on appeal in forma pauperis is entitled to transcripts at government expense only if the trial judge or a circuit judge certifies that the appeal is not frivolous but presents a substantial question. 28 U.S.C. § 753(f) (2006). We have reviewed the record including the affidavits, motions, and exhibits and conclude that no error appears on the record before us and Cheris does not present a substantial question on appeal under 28 U.S.C. § 753(f). We therefore affirm the district court's order. We dispense with oral argument because the facts and legal contentions are adequately presented in the materials before the court and argument would not aid the decisional process.

AFFIRMED